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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,152	11/30/2001	Harlan M. Hugh	18333-300301	3687

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EXAMINER

HAILU, TADESSE

ART UNIT PAPER NUMBER

2173

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,152

Applicant(s)

HUGH, HARLAN M.

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 13, 14, 17-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-9, 13, 14 is/are allowed.
- 6) ☒ Claim(s) 17, 18 and 22 is/are rejected.
- 7) ☐ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Amendment entered on February 28, 2005 for the patent application (10/007,152) filed on 11/31/2001.
2. The current patent application claims priority from US Application 09/919,656 filed 7/31/2001.
3. The pending claims *1-9, 13, 14, 17-20 and 22* are examined herein as follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Souder et al (US 5,724,556).

With regard to claim 17:

Souder discloses an apparatus (Fig. 2) for a client to modify the display of indicia of at least a first data item and a second data item and at least one association between those two data items (column 2, lines 53-column 3, lines 10).

Souder also discloses a first repository storing said first data item (Fig. 6; #610).

Souder also discloses a second repository storing said second data item (Fig. 6. #620).

Souder also discloses a third repository storing said association between said first data item and said second data item (Fig. 6, #630) (column 10, lines 36-59).

Souder also discloses an intermediary receiving a request from said client and providing interface to said first repository and said second repository (Figs. 6 and 7, column 6, lines 20-39).

With regard to claim 18:

Souder also discloses that said intermediary addresses said request to said first and second repositories with respect to said first and said second data items, respectively. (Figs. 6 and 7, column 6, lines 20-39).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over.

Souder et al (US Pat No 5,724,556) in view of Nagar et al (US Pat No 6,604,143).

With regard to claim 22:

Souder discloses an apparatus (Fig. 2) for a client to modify the display of indicia of at least a first data item and a second data item and at least one association between those two data items (column 2, lines 53-column 3, lines 10).

Souder also discloses a first server storing said first data item (Fig. 6; #610).

Souder also discloses a second server storing said second data item (Fig. 6; #620).

While Souder describes the loader server 718 controls the number of running requests at a given time (column 12, lines 53-61), but Souder does not describe "a request to said first server and said second server for information relevant to modifying said display." But Nagar does (see Nagar's claim 25). Nagar with Souder are analogous art because they are from the same field of endeavor, data processing. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Nagar with Souder. The suggestion /motivation for doing so would have been to allow users to easily and dynamically modify requests (Nagar, column 9, lines 30-40). Therefore, it would have been obvious to combine Nagar with Souder to obtain the invention as specified in claim 22.

Allowable Subject Matter

6. Claims 1-9,13,14 are allowed.

The examiner's statement of reasons for allowance is indicated in the previous Office action.

7. Claims 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2173

CONCLUSION

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Patent Examiner
Tadesse Hailu
May 17, 2005

